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RICHMOND, VIRGINIA, SATURDAY, JULY 23, 1904.

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The Street Car Co. Here "Busted."

The United States District Court Takes Charge. Receivers Appointed by Judge Waddill. Could not Pay Its Debts.

Didn't Earn Enough to Meet the Interest on Its Bonds.

THE STRIKING WHITE FOLKS LAST YEAR AND THE WALKING COLORED FOLKS THIS YEAR SETTLED IT. STILL OPPOSING THE "JIM CROW" LAW.

The street-car company here is now bankrupt and Judge Edmund Waddill, Jr., of the United States District Court has appointed Mr. William Northrup and Hon. Henry T. Wickham, receivers for the Virginia Passenger and Power Company which embraces a consolidation of the Richmond Passenger and Power Company and the Richmond Traction Company. They gave bond in the sum of fifty thousand dollars and entered upon their duties.

ASKED FOR A RECEIVER.

It seems that Mr. George E. Fisher, who with his associates owned a controlling interest in the street-car company, embracing the electric lines of Richmond, Petersburg and Manassas with the suburban lines, succeeded in the controlling interest by Mr. Frank J. Gould and his sister, Miss Helen Gould.

The street railway system has been run as specified in the allegation, in a way ruinous to the interests of Mr. Fisher. To make bad matters worse, the street-car company was unable to pay even the interest on the bonds, when it became due, July 1st, 1904. In the meantime, Mr. Fisher, through able attorneys had made application to Judge Mullen of the Hastings Court of Petersburg, Va., for the appointment of a receiver.

COULDN'T PAY ITS DEBTS.

This created a sensation and carried consternation into the ranks of the present management of the street-car company. The fact that the company was unable to pay the interest on the bonds out of its earnings was evidence enough, justifying the appointment by Judge Mullen of receivers to take charge of the property of the company.

In the meantime the Bowling Green Trust Company of New York to which the street-car company people were also indebted had applied to the United States District Court at Norfolk (Judge Waddill presiding), for a receiver.

APPLIED TO THE UNITED STATES JUDGE.

Knowing that if Judge Mullen of the Hastings Court granted the application that they would not likely be friendly to the present management, it was decided to hasten to Norfolk and "confess judgment" so to speak, thus insuring the appointment of receivers who would be friendly to the present street-car management.

A special train was chartered on the C. and O. R. R. and a special tug also on Friday night 14th inst. Judge Waddill was aroused at about 2 o'clock Saturday morning. Clerk Brady had been brought over from Petersburg and went down with the party. Hon. Henry T. Wickham is one of the high officials of the C. and O. R. R. The receivers are now at work.

NO DISCOURTESY INTENDED.

It was stated that this action was not intended to be a discourtesy to Judge Mullen, but it must necessarily have that effect for he coolly went on with the case hearing arguments and announced that if his decision would tend to complicate the situation, it would not be the fault of his court.

Be that as it may, there is no question out what if Judge Mullen appoints receivers to take charge of the property, they will come in contact with the United States Court's appointees, which will be followed by a most embarrassing legal tangle.

THE CAUSE OF THE TROUBLE.

The direct cause of all of this trouble has been due to the strike among the white employees last year, which resulted in an expense aggregating over two hundred and twenty-five thousand dollars, and the walking colored folks this year, who refused to accept the "Jim Crow" arrangements on the street-cars. Over eighty per cent of the colored people are walking and sweating. Some of the white people seemed to have been much opposed to the law as are the colored people.

The last three seats are reserved for the white people. As in the target practice the white militia companies, the colored man carries the target. The bucket of ice-water always on the street-cars the colored gentlemen are relegated to where they can "enjoy" the

odor from the white-folks cheroots and poor quality cigars.

WHITE FOLKS RIDE ANYWHERE.

The white people have protested to such an extent that for a month or more white men are permitted to ride where they please while the colored people are required to take the rear seats whether they will or no.

This treatment is very aggravating, and tends to cause trouble. The colored citizens in mass-meeting assembled about three months ago advised the colored people to stay off the street-cars and avoid trouble. It also advised that those who would ride should obey the rules and regulations of the company, that, if a conductor ordered them to get up from one seat and go to another ninety and nine times in one day, go and obey this newly made lord of all creation.

One colored lady and the only resident of this city who has been caught in the trap failed to do this and this is the way they treated her. This is from the Richmond, Va., News-Leader:

SHE WANTED AIR, BUT IT COST \$10.

Negro Fined for Disregarding Jim Crow Law on Trolley Car.

"Back seat, please." "I ain't a-gwine to do it." These words synopsize a recent conversation between Laura Smith, black, hard headed and inclined to have her way, and Conductor R. A. Pleshman, of the Passenger and Power Company.

The colloquy took place on a trolley and involved the Jim Crow law, which, according to Crutchfield, makes the car a veritable cesser in a small way.

Laura said in court to day that she had gone down town uninterruptedly in a certain seat, and that on her return trip she took the same place. Moreover, according to her statement, her woolly pate was headachey and she wanted air, the kind furnished by the open window of the seat from which the conductor sought to eject her.

The car man did not hurl himself into the imminent deadly breach by bawling Laura. He wasn't looking for that sort of trouble. He craftily waited until the woman reached a transfer point and then turned her over to the police.

There was no evidence that Laura had been unduly obstreperous, and what is more she even said she'd clear out entirely if she could get her money back from the conductor.

But all the same Crutchfield fined the offender \$10. He declared he couldn't do otherwise under the law. As a consolation, however, he handed her the words at Laura: "Must fine you; you're the first nigger I've caught. All the rest of my victims have been white folks. This evens things up."

This treatment should be enough to cause every other colored person to avoid the street-car lines, and it no doubt has had some effect.

The colored people treat the street-cars on Sunday, just as though it carried the germs of contagious diseases. More private conveyances driven by colored people are to be seen than ever before. Old bicycles which had been laid aside are now doing service.

HAULING COLORED FOLKS.

Wagons continue to haul friendly colored folks down to work free of charge. Fish-salt and witch-hazel are in great demand and the soaking of colored folks feet at night continues as a means of alleviating the distress of a long tramp in the morning.

As soon as the objectionable signs are removed by the receivers and the conductors are instructed not to interfere with the comfort of the passengers, there will be a return of the old time patronage. The colored people have maintained their self-respect and have stayed off the street-cars even when it seemed that human nature could stand no more.

The result is apparent. This unquestionably had much to do with the street-car company's present embarrassment.

Planet Lodge, No. 23 has the following officers which were duly installed: O. C. W. H. Jones; V. C. Alphonso Jones; Prelate, Ed. Turner; M. F. T. M. Crump; K. of R. and S. W. A. Kyles; M. of Ex. B. H. Peyton; M. at A. Matthew Doyle; O. G. Fred. Fryer; I. G. N. W. Gordon; M. of Work, S. D. Jones.

FAIRLEY—Entered into rest Lizzie Fairley, in New York, July 15th, 1904. She was the wife of W. C. Fairley; the beloved sister of Anderson. Branch of 914 Moore St. Funeral took place Sunday evening, July 17th, 1904, at the Leigh St. M. E. Church, Rev. G. W. Pinkney officiating.

Pall-bearers: Active, A. Miller, E. Brown, J. Booker, J. Pratt, R. Eldridge, D. Williams, Honorary, W. Stewart, J. R. Mason. A. Hayes, Undertaker. Interment in Union Mechanics Burying Ground. Peace be to her ashes. —HER BROTHER.

Resolutions.

Whereas—Miss M. L. Chiles, the G. R. of D., of the G. C., of Virginia of I. O. O. F., better known as the "Queen of Stock Sellers," of Richmond, Va., through her business tact and ability, induced Pocahontas Lodge, No. 41, K. of P., to purchase (\$500.00) Five hundred Dollars worth of stock in the Pythian Calanthe Industrial Association, an amount greater than that owned by any other lodge of the state; and,

Whereas—the ownership of the said above amount of stock has given our Lodge the coveted title as the "Banner Lodge" of the state, for the recognition of which the Pythian Calanthe Industrial Association presented to our Lodge through Miss M. L. Chiles an exquisite handsome Bible, bound in Morocco with the name of our Lodge burnished in golden letters; therefore be it,

Resolved. 1. That Pocahontas Lodge, No. 41, accepts the said handsome Bible as a token of appreciation and recognition of our leadership in the ownership of stock and extend to the P. O. I. Association and Miss M. L. Chiles, our thanks.

Resolved. 2. That these resolutions be printed in the Richmond PLANET, the organ of our great Order, and a copy of the same sent to Miss M. L. Chiles, 114 W. Leigh St., Richmond, Va.

Committee: R. L. JACKSON, D. C. JOHNSON, S. A. HANCE. Unanimously adopted by Pocahontas Lodge, No. 41 in regular session July 7th, 1904.

Kites do not carry people, but the train will carry them to Buckroe Tuesday night, August 2d, and will be a grand affair. All Pythians and Court members are expected to attend and the public is invited. Admission, 10cts.

\$100.00 Endowment Paid.

Maybury, W. Va., July 10, 1904.

This is to certify that I have received from John Mitchell, Jr., Grand Worthy Counselor of the Grand Court of Virginia, I. O. of Calanthe (\$100.00) One Hundred Dollars in payment of the death claim of Sister Mary E. Willis, who was a member of Mountain Beauty Court, No. 62.

His Signed:—WM X WILLIS, mark

Witnesses: D. C. Johnson, D. D. G. C. D. C. Galloway, Giles Johnson, M. E. Johnson, D. D. G. W. C.

\$100.00 Endowment Paid.

Newport News, Va., July 12, 1904.

This is to certify that I have received from John Mitchell, Jr., Grand Worthy Counselor of the Grand Court of Virginia, I. O. of Calanthe, (\$100.00) One Hundred Dollars in payment of the death claim of Sister Virginia Terrell, who was a member of Pride of the East Court, No. 56 of Newport News, Va.

Signed:—HENRY TERRELL.

Witnesses: Callulah J. Leake, B. T. Jackson, W. C. J. J. Booker.

Yawning will do no good. Buy a ticket now and go to Buckroe with the Mt. Olivet Baptist Church, Tuesday, Aug. 16th.

Violet Court, No. 152, I. O. of Calanthe had refreshments served last Wednesday after the installation of officers by the Grand Worthy Counselor. It is in a most prosperous condition.

A Prosperous Lodge, K. of P.

Pocahontas, Va., July 3, 1904.

To the PLANET:

Pocahontas Lodge, No. 41, K. of P., at a special call meeting for the election of officers June 30th, 1904, elected the following officers for the ensuing term: W. T. Foster, C. C. S. L. Brown, V. C. F. J. Davis, P. U. S. G. Fries, M. of F. J. C. Howe, M. of Ex.; Walker Armistead, K. of R. & S.; Pink Cancell, M. at A.; P. W. White, M. of W.; D. C. Johnson, Trustee.

Our lodge is in a prosperous condition. Every member is in sympathy with the plan which is being laid to meet the payments on the 3-story building, bought at a public auction, Sept. 2, 1904, by Pocahontas Lodge, No. 41 at a cost of (\$1,505.00) one thousand, five hundred and five dollars. We feel and believe that our success is sure.

We are yours for the relief of Pythias, DAMON.

Rev. J. A. Bowler is busy, but he is going to Buckroe, Tuesday, Aug. 16th with the Mt. Olivet Baptist Church.

—Mr. Haywood Jenkins called on us.

—The PLANET may be obtained at Pittsburg, Pa., from Mr. Joseph Evans, 75 Crawford St.

—Miss Mittie Raines of Charlottesville is in Richmond, visiting Miss Jeannette L. Forrester, of No. 215 E. Leigh St.

—President G. W. Hayes of Virginia Theological Seminary and College at Lynchburg, Va., was in the city this week.

—We return thanks to Captain John G. Smith for a large, fine ham. It is a rare treat and brought gladness to the editorial staff.

—Mr. O. M. Steward, for twenty-four years a member of the Republican City Central Committee of this city has resigned his membership in that committee.

—Valley Lodge, No. 74, Knights of Pythias met last Wednesday night at the Pythian Castle. Capt. John G. Smith presided.

—The Mortgage Burning at the Pythian Castle will take place Tuesday night, August 2d, and will be a grand affair. All Pythians and Court members are expected to attend and the public is invited. Admission, 10cts.

—Mr. H. F. Jonathan, Vice President of the Mechanics Savings Bank and Grand Master of Exchequer of the Grand Lodge of Virginia is now a grass-widower. His wife, together with Miss Esther, Master Fulton and the baby left for Camden, S. C., where they are the guests of Rev. Boykin and wife.

He sat down hard, but will be ready to go to Buckroe with the Mt. Olivet Baptist Church, Tuesday, Aug. 16th.

PENNSY FACES BIG STRIKE

Laying Off Brakemen From Every Crew Makes Trouble.

Philadelphia, July 20.—In carrying out its policy of retrenchment the Pennsylvania Railroad company is brought face to face with a threatened strike that might tie up every freight train on the entire system from New York to Pittsburg.

Following closely upon the cutting down of its clerical force, orders were issued on Monday laying off one brakeman from every freight crew of the divisions comprising the main line. Altogether upward of 1000 men are directly affected by the order.

The trainmen located at Altoona, the western end of the middle division, struck on receipt of the order and refused to take out their trains from Altoona to Harrisburg. Twenty crews from Harrisburg were telegraphed for to take the places of the strikers and were "dead-headed" on a fast train to Altoona. On the New York division the receipt of the order was met with a notice from the Brotherhood of Trainmen that unless the men laid off were all put back to work in one week's time the entire division would go out on strike.

REV. DR. GRAHAM TO REMAIN PASTOR.

Congregation of Fifth-Street Baptist Church (Col.) Refuses to Accept His Resignation.

The Rev. Dr. W. F. Graham will remain as pastor of Fifth-Street Baptist church (colored).

Although the weather was intensely hot, 600 members attended the annual meeting of the congregation last night. Dr. Graham resigned at the last month's meeting, but the members and his friends were determined that he should not give up the charge over which he had presided so successfully for twelve years.

When the matter was brought up last night the church promptly refused to accept his resignation and passed a set of resolutions, signed by V. L. Hawkins, S. M. Wilson, C. C. Williams, George Lee, John Moss and Joseph Loving.

These resolutions speak in the highest terms of the pastor and his work and request him to remain with the church. When the question was put a great mass of church voters rose with a will and vim that showed their loyalty to the pastor, and when the Rev. Graham told them that he would respect their wishes there was a mighty shout and a general hand-shaking. Colored folks from all the stations of life attended the meeting.

The deacons board was a unit. Editor John Mitchell, Jr., Dr. H. L. Harris, Prof. B. H. Peyton, Lawyer J. Henry Crutchfield and many other leading Negroes were on hand to help hold up their pastor.

The following officers were elected: Church clerk, James H. Chiles; treasurer, Samuel P. Brown, the faithful employe for many years of Mr. H. F. Haile; sexton, William H. Chiles; organist, Sophia Lemas; assistant organist, Edmonia Anderson; choir leader, Alexander McCoy; assistant choir leader, Willie Coy; prayer meeting leader, the Rev. Watkins; finance committee, Samuel P. Brown, Carver Taylor and James H. Chiles. Let committee, James H. Wingfield, Frank Horton, Samuel P. Brown and the pastor.

The meeting adjourned with a great hallelujah and hand-shaking.

[Richmond, Va., News Leader, July 12, 1904.]

The Freedmen's Endowment Association Breaks Record of All Insurance Cos. Pays Death Claim of Mrs. Gordon by Wire.

July 7th 1904 Augustus March departed this life, said March carried a policy with the Freedmen's. His death claim was sent to the beneficiary by special letter bearing certified check, an answer was received at the home office in less than six hours that the prompt payment had reached the beneficiary. But to day the record was broken when Mr. W. F. Denny, President of The Freedmen's Endowment Association walked into the office of the Western Union Telegraph Company and stated that he wanted to send a death claim to Roanoke by wire. "Why," said the Superintendent, "I never heard of an insurance company paying so promptly as that, and I have been in this business for 17 years and I never had such an experience before." The amount of the death claim was wired on to Mr. W. H. Woolfork, the brother of Mrs. Gordon.

Much credit is due to the management of the association, because they always pay just claims very promptly. With Mr. W. F. Denny, as President; Benj. Jackson, Vice-President; and J. A. Jones, Secy; the Association has a fine cabinet, and men that know how to do business.

Mrs. Gordon's Funeral.

The funeral of Mrs. Maggie W. Gordon, lately of Roanoke, but formerly of this city, took place last Wednesday morning at the Third St. A. M. E. Church. She was the wife of Rev. C. B. W. Gordon of Petersburg, Va.

—Subscribe to the RICHMOND PLANET. \$1.50 per year in advance.

Judge Emory Speer's Opinion.

The Fourteenth Amendment. A Colored Man Released.

THE GREAT WRIT OF RIGHT—MUST BE TRIED BY A JURY—WAS NOT DUE PROCESS OF LAW. A REMARKABLE PHILLIPIC.

HENRY JAMISON DISCHARGED.

A Federal Court's Decree Respected.

"This is a petition for the great writ of right, the writ of habeas corpus. It involves the legality of a sentence by a police magistrate, for a petty municipal offense to a term at hard labor on one of those local 'chain-gangs,' perhaps the most melancholy and distressing spectacle which afflict the patriot and humanitarian in many localities of our country. It involves the inquiry in such deplorable and degrading punishment adjudged by such a court for minor municipal offenses tolerable under the American system. It is believed that in no case, previously decided by state or national court has there been so fully and fairly made this inquiry, fraught as it is with the misery of thousands of humble men, women and children, and fraught also with the hope of a possible return by local governments to more humane methods, with the resultant uplifting of millions of the people.

THE QUESTION INVOLVED.

Immediately, it involves the question whether the Recorder of Macon can, without any sort of criminal pleading, and without the intervention of a jury, convict a citizen twice, for one violation of a minor municipal ordinance and sentence him to seven months at hard labor on the public chain-gang, the punishment to be suffered in a branch of the state penitentiary. Here also is the question, can it be maintained in the light of the Constitution, that one man, under any form of procedure, devised or to be devised by local legislation, consign men, women and children to a chain-gang for such trivial offenses as are within the jurisdiction of a police magistrate?

The petitioner, Henry Jamison, is a respectable colored man between fifty-five and sixty years of age. It appeared that he was working for many of the reputable people of Macon in house cleaning, laying carpets and like work. On the night of the 13th day of March of this year, he was arrested by two policemen of the city, carried immediately to the city prison and placed in a cell. The next morning he was brought before the Recorder. He was immediately put upon his trial for certain offenses. The following entries taken from the docket of the Recorder's Court constitute the entire record:

"RECORDER'S DOCKET, CITY OF MACON.

"Date—March 14, 1904. No. case, 131. Arrested, March 13, 1904, 12:40 p. m.

"Case—Mayor and Council of the City of Macon vs. Henry Jamison, Dik Dis Con. Arresting officers, Mosely and Mitchell.

"Date—March 14, 1904. No. case, 133. Arrested, March 13, 1904.

"Case—Mayor and Council of the City of Macon vs. Henry Jamison, Offense, Dis Con in Barrack. Arresting officer, Reddy. He was immediately convicted and an aggregate fine imposed of \$60 and an alternative penalty for both cases of seven months at hard labor on the chain-gang. For a poor day's labor like this man to pay a fine \$60 was wholly impossible. At noon, the same day, he was sent to the chain-gang, was at once clothed in the stripes of a convict, heavy iron manacles connected by a chain were riveted on each leg, and he was immediately put to work on the public road with other convicts from the Recorder's and the City Court, and from the state penitentiary, at manual labor as severe perhaps, as any of which the human frame is capable. He remained with the chain-gang for five days, when the writ of habeas corpus was sued out in his behalf and he was brought before this court.

THE MATERIAL ALLEGATIONS.

The material allegations of the petition are that the petitioner was arraigned in the Recorder's Court, without any indictment, accusation, or written charge of any kind having been preferred against him and, without any form or semblance of a judicial trial, he was sentenced to pay a fine which he was wholly unable to pay, and then to serve a term of two hundred and ten days on the county chain-gang of Bibb county. The petition further avers that the trial, sentence and commitment were illegal and void, and that he was thereby deprived of his liberty and subjected to infamous punishment without due process of law, in further support of this averment copies of what purport to be the judgment of conviction are annexed

to the petition. These are brief printed blanks. The first reads as follows, Exhibit A:

"Recorder's Court—No. 131. Offense, drunk and disorderly, Macon, Ga., March 14, 1904. Mayor and Council of the City of Macon vs. Henry Jamison.

FIXING THE DEFENDANT.

"On hearing the evidence in the above stated case: It is ordered by the court that the defendant do pay a fine of twenty-five dollars or in default thereof be and is hereby committed to the county chain-gang for and during the space of ninety days."

The second is termed "Exhibit B." It is as follows:

"Recorder's Court, Macon, Ga., March 14, 1904. Offense, disorderly conduct in the barrack. Mayor and Council of the City of Macon vs. Henry Jamison.

"On hearing the evidence in the above stated case: It is ordered by the court that the defendant do pay a fine of thirty-five dollars and in default thereof be and is hereby committed to the county chain-gang for and during the space of 120 days to begin at the expiration of case No. 131. (Signed) "CUSTIS NOTTINGHAM, City Recorder."

It is observable that there is no finding of guilt or innocence by the court, and no finding of fact. It is a sentence and nothing more. It is not as seems to be supposed insisted that an arrest by a policeman without warrant was invalid and no such question is in the case.

THE WRIT ISSUED.

Upon this petition the writ was issued and served upon E. A. Wimbish, who is superintendent of the Bibb county chain-gang. By the payment of \$8,000 per annum to the City of Macon, the county commissioners purchase for their chain-gang, the convicts from the Recorder's Court, and are thus enabled to utilize their energies.

The superintendent of the chain-gang debarred to the petition on the grounds that the facts set forth were insufficient to give jurisdiction to this court, and further "that the petition fails to allege and show that the petitioner had exhausted, or attempted to correct any alleged errors on the trial or in the commitment by appeal to the courts provided by law for the correction of the errors of the Recorder's Court." The answer of the respondent is further that he holds the petitioner by virtue of a commitment from the Recorder's Court, that the Bibb county chain-gang is the State of Georgia, that Jamison was duly convicted, that the Recorder's Court of the City of Macon is a municipal or police court, duly organized by law and authorized to try cases and inflict punishment for the violation of municipal law in a summary manner. He denies that the commitment is illegal and void, and that the petitioner is deprived of his liberty and subjected to an infamous punishment without due process of law and in violation of the Constitution of the United States. The demurrer and the facts submitted on the answer and traverse thereto, were heard and argued together.

[TO BE CONTINUED.]

City Gun Club's Second Annual Outing.

You and your friends are most cordially invited to accompany the City Gun Club on its Second Annual Outing to Buckroe Beach, Monday, July 25th, 1904.

Among the interesting features of the day will be a Shooting Match between two squads of the club. The hall of the Bay Shore Hotel will be thrown open for dancing until 7:30 P. M. Open chesna from Richmond will furnish music. Ample provisions have been made for dinner and supper at Bay Shore Hotel. Round Trip, \$1.00. Train will leave O. and O. Depot 16th and Broad Sts., Monday, July 25th, at 8:30 o'clock A. M., returning leaves Buckroe at 8:00 P. M.

George W. Bragg, President; Jao. O. Lewis, Vice President; Dr. D. A. Ferguson, Secretary; Dr. E. R. Jefferson, Treasurer; D. P. Bragg, T. W. Taylor, James H. Smith, Executive Committee; J. C. Robertson, Field Captain; Sager Jones, Manager.

You can get a dip in the ocean, if you go to Buckroe Tuesday, Aug. 16th with the Mt. Olivet Baptist Church.